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Attorneys for Plaintiff
Josephine Garcia

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOSEPHINE GARCIA,)	CIVIL NO. _____
)	
Plaintiff,)	COMPLAINT; JURY
)	DEMAND; SUMMONS
vs.)	
)	
ALTRES, INC., HOST HOTELS &)	
RESORTS, INC., AND HYATT)	
PLACE HOTEL WAIKIKI BEACH,)	
)	
Defendants.)	
_____)	

COMPLAINT

COMES NOW Plaintiff JOSEPHINE GARCIA, by and through her attorneys Charles H. Brower and Michael P. Healy, and for causes of action against Defendant, alleges and avers as follows:

NATURE OF CASE

1. Plaintiff JOSEPHINE GARCIA (hereinafter “GARCIA”) was and is at all times mentioned herein a resident of Waipahu, Hawaii.

2. Defendant ALTRES, INC., (hereinafter “ALTRES”) is and was at all times mentioned herein a domestic profit corporation incorporated in the State of Hawaii.

3. Defendant HOST HOTELS & RESORTS, INC., (hereinafter “HOST”) is and was at all times mentioned herein a foreign profit corporation incorporated in the State of Maryland, with a principal place of business in the State of Hawaii.

4. Defendant HYATT PLACE HOTEL WAIKIKI BEACH, (hereinafter “HYATT”) is owned and operated by Defendant HOST.

5. Plaintiff GARCIA was hired by Defendants in June 2017, as a housekeeper. Defendant ALTRES handled all administration aspects of the employment, including human resources and workers’ compensation.

6. Plaintiff was injured at work on October 23, 2018.

7. On November 6, 2020, Plaintiff was terminated from her position due to disability discrimination by Defendants.

JURISDICTION

8. The jurisdiction of this Court is pursuant to The Americans With Disability Act of 1990.

9. The administrative prerequisites for filing this cause of action have been fulfilled. A right-to-sue letter was issued by the Equal Employment Opportunity Commission (“EEOC”), on March 1, 2022.

STATEMENT OF FACTS

10. Plaintiff GARCIA was hired by Defendants in June 2017, as a housekeeper. Defendant ALTRES provided administration for the employment, including human resources and workers’ compensation.

11. Plaintiff was discharged from employment on November 6, 2020.

12. Plaintiff suffered a work injury on October 23, 2018, while at work for Defendants. Plaintiff had several severe rib fractures which prevented her from the major life activities of lifting, standing, walking, bending, pushing and working.

13. In January 2020, Plaintiff returned to work from the work injury.

14. Upon return to work, Plaintiff was over scrutinized and received two write-ups about performance that were false.

15. After a few months, Plaintiff’s pain from her injury got worse and she had to take additional time off from work which was documented by her doctor.

16. Plaintiff again returned to work in October 2020.

17. Plaintiff was harassed by her supervisor upon return to work in October 2020.

18. Plaintiff was falsely accused of not cleaning her assigned rooms properly.

19. Plaintiff received two more unjustified write-ups for performance and was terminated on November 6, 2020.

STATEMENT OF CLAIMS

COUNT I - DISABILITY DISCRIMINATION

20. Plaintiff incorporates paragraphs 1 through 17 as though fully set forth herein.

21. The Americans With Disabilities Act of 1990 prohibits discrimination due to a disability, including termination, and to provide a reasonable accommodation to a person with a disability.

22. The aforesaid acts and/or conduct of Defendants constitute discrimination as they were acts and/or failure to act by Defendants and its employees in direct violation of the Americans With Disabilities Act of 1990.

23. Defendants had discriminated against Plaintiff when they failed to provide an accommodation, and discharged Plaintiff due to disability discrimination.

24. Plaintiff has suffered, as a direct and proximate result of the aforesaid conduct, damages by way of loss of earnings and earning capacity, loss of fringe and pension benefits, and other benefits due her.

25. As a further direct and proximate result of said unlawful conduct, Plaintiff has suffered the indignity of harassment, the invasion of her right to be free from unlawful employment practices, and great humiliation, which is manifest in emotional distress.

26. As a further direct and proximate result of said unlawful employment practices, Plaintiff has suffered mental anguish, outrage, depression, severe anxiety about her future and his ability to support herself, harm to her employability and earning capacity as well as loss of a career advancement opportunity, painful embarrassment among her friends and co-workers, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of everyday life for which she is entitled to an award of general damages.

27. The actions of Defendants and their employees as described above are oppressive, outrageous, and otherwise characterized by aggravating circumstances sufficient to justify the imposition of punitive damages.

WHEREFORE, upon a hearing hereof Plaintiff GARCIA prays that judgment be entered on all Counts:

- A. For reinstatement to Plaintiff GARCIA's position with Defendants with full benefits; and
- B. For all damages to which Plaintiff GARCIA is entitled, including general damages and other damages to be proven at trial; and

- C. For special damages, including back pay, front pay and other expenses; and
- D. For punitive damages; and
- E. For attorney's fees, costs, and interest, including prejudgment interest; and
- F. For such other and further relief as is appropriate.

The total amount of damages prayed for exceeds the minimum jurisdictional limits of this Court.

DATED: Honolulu, Hawaii, May 27, 2022.

/s/ Charles H. Brower
CHARLES H. BROWER
MICHAEL P. HEALY
Attorneys for Plaintiff
Josephine Garcia